

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas G. Woolston

Art Unit : Unknown

Serial No.: 10/824,322

Examiner: Unknown

Filed

Title

: April 13, 2004

: CONSIGNMENT NODES

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT AND NOTICE OF LITIGATION UNDER MPEP 2001.06(C)

Applicants call attention to the attached Information Disclosure Statement and documents listed on the attached form PTO-1449.

The examiner's attention is also drawn to documents A641-A667 which were filed in litigation between the assignee of the above-referenced application and eBay, Inc., in the case MercExchange L.L.C. v. eBay, Inc. et. al., Civil Action No. 2:01-CV-736, in the U.S. District Court for the Eastern District of Virginia, involving the assignee of the above-referenced application, and at least one patent that is a family member to the above-referenced application. Applicants make no representations herein regarding the materiality of the documents submitted herewith. Applicants are merely making these documents available to the Patent Office as a result of the contentions of the parties in the above-referenced litigation.

For the examiner's convenience, copies of the references listed on the attached form PTO-1449 are being provided on two compact discs filed herewith. Paper copies will be provided if requested by the examiner.

Consideration of the foregoing and enclosures plus the return of a copy of the enclosed form PTO-1449 with the Examiner's initials in the left column per MPEP 609 are earnestly solicited along with an early action on the merits.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

<u>Jennifer H. Payne</u>

Typed or Printed Name of Person Signing Certificate

Applicant: Thomas G. Wool

Serial No.: 10/824,322 Filed

's Docket No.: 13466-002016

: April 13, 2004

: 2 of 2 Page

This statement is being filed before receipt of a first Office action on the merits. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

April 28, 2004 Date:_

Reg. No. 35,322

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orm PTO-1449 (Modified

U.S. Department of Commerce Patent and Trademark Office Attorney's Docket No. 13466-002016

Application No. 10/824,322

Information Disclosure Statement by Applicant

(Use several sheets if necessary)

Applicant Thomas G. Woolston

Filing Date April 13, 2004 Group Art Unit

(37 CFR §1.98(b))

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	3,573,747	04/06/1971	Adams et al			
	AB	3,581,072	5/25/1971	Nymeyer			
	AC	4,247,759	1/27/1981	Yuris, et al.			
	AD	4,270,042	5/26/1981	Case			
	AE	4,305,059	12/08/1981	Benton			
	AF	4,346,442	8/24/1982	Musmanno			
	AG	4,449,186	5/15/1984	Kelly, et al.			
	AH	4,553,222	11/12/1985	Kurland, et al.			
	AI	4,674,044	6/16/1987	Kalmus et al.			
	AJ	4,677,552	6/30/1987	Sibley, Jr.			
	AK	4,734,858	03/29/1988	Schlafly			
	AL	4,739,478	4/19/1988	Roberts et al.			
	AM	4,742,457	5/3/1988	Leon et al.			
	AN	4,751,640	6/14/1988	Lucas et al.			
	AO	4,755,940	07/05/1988	Brachtle et al			
	AP	4,775,935	10/04/1988	Yourick			
	AQ	4,789,928	12/6/1988	Fujisaki			
	AR	4,795,890	01/03/1989	Goldman			
	AS	4,799,156	1/17/1989	Shavit et al.			
	AT	4,812,628	03/14/1989	Boston et al			
	AU	4,823,265	4/18/1989	Nelson			
	AV	4,864,516	09/05/1989	Gaither et al			
· · · · · · · · · · · · · · · · · · ·	AW	4,876,648	10/24/1989	Lloyd			·
	AX	4,885,685	12/5/1989	Wolfberg et al.			
	AY	4,887,208	12/12/1989	Schneider et al			
	AZ	4,903,201	2/20/1990	Wagner			
	AAA	4,910,676	3/20/1990	Alldredge			

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/William Allen/ (10/22/2008)

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Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	If Appropriate
	ABB	4,922,521	05/01/1990	Krikke et al			
	ACC	4,935,870	06/19/1990	Burk et al			
	ADD	4,947,028	08/07/1990	Gorog			
	AEE	4,977,595	12/11/1990	Ohta et al			
	AFF	4,982,346	01/01/1991	Girouard et al			
	AGG	4,992,940	2/12/1991	Dworkin			
	АНН	5,021,953	6/4/1991	Webber et al.			
	AII	5,060,153	10/22/1991	Nakagawa			
	AJJ	5,063,507	11/5/1991	Lindsey et al.			·
	AKK	5,077,607	12/31/1991	Johnson et al			
	ALL	5,077,665	12/31/1991	Silverman et al.			
	AMM	5,101,353	3/31/1992	Lupien et al.			
	ANN	5,136,501	8/4/1992	Silverman et al.			
	AOO	5,168,446	12/1/1992	Wiseman			
	APP	5,191,613	3/2/1993	Graziano et al.		*****	
	AQQ	5,193,056	3/9/1993	Boes			
	ARR	5,206,803	4/27/1993	Vitagliano et al.			
	ASS	5,220,501	06/15/1993	Lawlor et al			
	ATT	5,235,680	8/10/1993	Bijnagte			
	AUU	5,237,500	8/17/1993	Perg et al.			
<u> </u>	AVV	5,239,462	8/24/1993	Jones et al.			
	AWW	5,243,515	9/7/1993	Lee			
	AXX	5,247,575	09/23/1993	Sprague et al			
	AYY	5,258,908	11/2/1993	Hartheimer et al.			
	AZZ	5,262,942	11/16/1993	Earle			
	AAAA	5,280,305	01/18/1994	Monroe et al			
	ABBB	5,280,422	01/18/1994	Moe et al			

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	ACCC	5,283,731	2/1/1994	Lalonde et al.			
	ADDD	5,285,383	2/8/1994	Lindsey et al.			
	AEEE	5,297,031	03/22/1994	Gutterman et al			
	AFFF	5,297,032	03/22/1994	Trojan et al			
	AGGG	5,305,195	04/19/1994	Murphy			
	АННН	5,305,200	4/19/1994	Hartheimer et al.			
	AIII	5,319,542	06/07/1994	King			
	AJJJ	5,323,315	6/21/1994	Highbloom			
	AKKK	5,325,297	6/28/1994	Bird et al.			
	ALLL	5,329,589	7/12/1994	Fraser et al.			
	AMMM	5,334,822	08/02/1994	Sanford			
	ANNN	5,335,170	08/02/1994	Petteruti et al			
	A000	5,336,870	08/09/1994	Hughes et al			
	APPP	5,341,429	08/23/1994	Stringer et al			
	AQQQ	5,345,091	09/06/1994	Craig et al			
	ARRR	5,347,306	9/13/1994	Nitta			
	ASSS	5,347,632	9/13/1994	Filepp et al.			
	ATTT	5,351,186	09/27/1994	Bullock et al			
	AUUU	5,351,293	09/27/1994	Michener et al			
	AVVV	5,375,055	12/20/1994	Togher, et al.			
	AWWW	5,383,113	01/17/1995	Kight et al			
	AXXX	5,394,324	2/28/1995	Clearwater			
	AYYY	5,402,336	08/02/1994	Spiegelhoff et al			
	AZZZ	5,414,833	05/09/1995	Hershey et al			
	AAAAA	5,424,944	6/13/1995	Kelly et al.			
	ABBBB	5,426,281	6/20/1995	Abecassis			
•	ACCCC	5,428,778	06/27/1995	Brookes			

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		5,448,625	9/5/1995	Lederman				
	AEEEE	5,451,998	9/19/1995	Hamrick				
	AFFFF	5,453,926	09/26/1995	Stroshcin et al				
	AGGGG	5,465,291	11/7/1995	Barrus et al.				
	АНННН	5,485,510	01/16/1996	Colbert				
	AIIII	5,521,815	05/28/1996	Rose				
	АЈЈЈ	5,526,479	6/11/1996	Barstow et al.				
	AKKKK	5,553,145	09/03/1995	Micali				
_ :	ALLLL	5,557,518	9/17/1996	Rosen				
	AMMMM	5,557,728	09/17/1996	Garrett et al				
	ANNNN	5,561,707	10/1/1996	Katz				
	A0000	5,584,025	12/10/1996	Keithley et al.				
	APPPP	5,592,375	1/7/1997	Salmon et al.				
	AQQQQ	5,594,732	1/14/1997	Bell et al.				
	ARRRR	5,598,557	01/28/1997	Doner et al				
	ASSSS	5,611,051	03/11/1997	Pirelli				
	ATTTT	5,625,818	04/29/1997	Zarmer et al				
	AUUUU	5,625,823	4/29/1997	Debenedictis et al.				
	AVVVV	5,629,982	05/13/1997	Micali				
	AWWWV	5,630,125	05/13/1997	Zellweger				
	AXXXX	5,657,389	08/12/1997	Houvener				
	AYYYY	5,664,110	09/02/1997	Green et al				
	AZZZZ	5,664,111	9/2/1997	Nahan et al.				
	AAAAA	5,664,115	9/2/1997	Fraser				
	ABBBBB	5,666,493	09/09/1997	Wojcik et al		·		
	ACCCC	5,689,652	11/18/1997	Lupien et al				
	ADDDDI	5,694,546	12/02/1997	Reisman				

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EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with

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	AFFFF	5,696,965	12/09/1997	Dedrick		, 	
	AGGGGC	5,706,457	01/06/1998	Dwyer et al			
	АНННН	5,710,889	01/20/1998	Clark et al			
	AIIIII	5,715,314	2/3/1998	Payne et al.			
	AJJJJJ	5,717,989	02/10/1998	Tozzoli et al			
	AKKKKK	5,724,521	3/3/1998	Dedrick			
	ALLLL	5,727,165	03/10/1998	Ordish et al			·
	AMMMMI	5,745,882	4/28/1998	Bixler et al.			
	ANNNN	5,752,238	5/12/1998	Dedrick			
	A00000		01/23/1998	Newton et al			
	APPPPP	5,771,354	6/23/1998	Crawford			
	AQQQQQ	5,771,380	06/23/1998	Tanaka et al			
<u></u>	ARRRR	5.554.052	06/30/1998	Berent et al			
	ASSSSS	5,778,367	07/07/1998	Wesinger et al			
	ATTTTI	5,794,207	8/11/1998	Walker et al.		·	
	AUUUUU	5,794,210	8/11/1998	Goldhaber et al.			
	AVVVV	5,794,219	08/11/1998	Brown		·	
	wwww	5,799,285	08/25/1999	Klingman			
	AXXXX	5,803,500	09/08/1998	Mossberg			
	AYYYY	5,809,144	09/15/1998	Sirbu et al			
	AZZZZZ	5,818,914	10/6/1998	Fujisaki			
	ΑΑΑΑΑ	5,826,244	10/20/1998	Huberman			
	ABBBBB	5,832,459	11/03/1998	Cameron et al			
	ACCCCC	5,835,896	11/10/1998	Fisher et al			
	ADDDDI	- 000 006	11/17/1998	Doyle et al.			
		5,842,040	11/24/1998	Hughes et al.			

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(37 CFR §1.98(b))

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	AFFFFF	5,845,265	12/1/1998	Woolston			
	AGGGGG	5,845,266	12/01/1998	Lupien et al			
	АНННН	5,850,442	12/15/1998	Muftic			
	AIIIII	5,864,823	1/26/1999	Levitan			•
	AJJJJJJ	5,870,552	2/9/1999	Dozier et al.			
	AKKKKK	5,870,717	2/9/1999	Wiecha			
	ALLLLLI	5,872,848	02/16/1999	Romney et al			
	MMMMM		02/16/1999	Reuhl et al			
	ANNNNN	5,878,400	3/2/1999	Carter, III			
	A00000	5,878,423	3/2/1999	Anderson et al.			
	APPPPPP	5,884,056	03/16/1999	Steele			
	AQQQQQ	5,890,138	3/30/1999	Godin et al.			
	ARRRRRI	5,896,379	4/20/1999	Haber			
	ASSSSS	5,903,647	5/11/2019	Ronning			
	ATTTTT	5,905,974	05/18/1999	Fraser et al			
	AUUUUU	5,905,975	05/18/1999	Ausubel			
	AVVVVV	5,915,209	6/22/1999	Lawrence			
	wwww	5,922,074	07/13/1999	Richard et al			
	AXXXXX	5,926,794	07/20/1999	Fethe			
	AYYYYY	5,933,813	8/3/1999	Teicher et al.			
	AZZZZZ	5,946,467	8/31/1999	Pathakis et al.			
	ΑΑΑΑΑ	5,987,425	11/16/1999	Hartman et al.			
	BBBBBI	5,991,739	11/23/1999	Cupps et al			
		5,999,915	12/07/1999	Nahan et al			
	DDDDDI		12/21/1999	Berent et al			
		6,029,141	2/22/2000	Bezos et al.			
	AFFFFF	6.040.706	04/11/2000	Gifford			

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			U.S. Pate	ent Documents			
Examiner Initial	Desig.	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	GGGGGG	6,055,516	04/25/2000	Johnson et al			
	ннннн	6,055,573	4/25/2000	Gardenswartz et al.			
	AllIIII	6,061,660	5/9/2000	Eggleston et al.			
	AJJJJJJ	6,185,683	2/6/2001	Ginter et al.			
	KKKKKK	6,202,051	03/13/2001	Woolston			
	ALLLLL	6,205,432	3/20/2001	Gabbard et al.			·
•	иммми	6,259,699	7/10/2001	Opalka et al.			
	NNNNNN	6,266,651	7/24/2001	Woolston			
	000000	6,272,474	8/7/2001	Garcia			
	APPPPPP	6,282,516	8/28/2001	Giuliani			
	QQQQQQ	6,292,786	9/18/2001	Deaton et al.			
	RRRRRR	6,336,105	1/1/2002	Conklin et al.			
	ASSSSSS	6,336,138	1/1/2002	Caswell et al.			
	ATTTTTT	6,377,937	4/23/2002	Paskowitz			
	บบบบบเ	6,397,212	5/28/2002	Biffar			,
	VVVVV	6,415,270	7/2/2002	Rackson et al.			
<u> </u>	vwww	6,427,132	7/30/2002	Bowman-Amuah			

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	XXXXXX	0542298 A2	05/19/1993	Europe				
	YYYYY	0.650.605	8/23/1991	France				
	AZZZZZZ	2,102,606	02/02/1983	Great Britain				
	AAAAA	0200266	9/1/1994	Netherlands				
	BBBBBB	WO 91/16691	10/31/1991	WIPO				
	CCCCCC	WO 92/15174	9/3/1992	WIPO				
	DDDDDD	WO 95/16971	06/22/1995	WIPO				

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Examiner	Desig.	Document	Publication	Country or			Trans	lation
Initial	ID	Number	Date	Patent Office	Class	Subclass	Yes	No.
	EEEEEEI	WO 96/34356	10/31/1996	WIPO				
	AFFFFFF	WO 97/19415	5/29/1997	WIPO (3 parts)				
	GGGGG	WO 97/37315	10/9/1997	WIPO				
	ннннн	WO 98/19259	5/7/1998	WIPO (2 parts)				
<u> </u>	AIIIIIII	WO 98/35469	8/13/1998	WIPO (2 parts)				
<u>-</u>	AJJJJJJJ	WO 99/63461	12/09/1999	WIPO			·	_
	KKKKKK	WO 99/06913	2/11/1999	WIPO				
	LLLLLLI	WO 99/13417	3/18/1999	WIPO				
	MMMMM	WO 00/08578	2/17/2000	WIPO		,		
	NNNNN	WO 00/17797	3/30/2000	WIPO				
···	00000	WO 00/62231	10/19/2000	WIPO				

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	APPPPPPPP	"[ADS FOR ANTIQUE SHOWS]," The Inside Collector, October 1992, Vol.3, No.2						
	QQQQQQQ	"Acid Rain Auctions Is Successful," American Metal Market, Volume 103 No. 69, April 11, 1995						
	RRRRRRR	"Active Message Processing Messages as Messengers," (Illegible) Centre for Mathematics and Computer Science, Report CSR9035 August						
	ASSSSSSS	"Ameritech Library Services Unveils Webpac at ALA," PR Newswire, June 27, 1995						
	TTTTTTTT	"An Analysis and Recommendation for the Terms of the Reclaim Trading Credit," Report submitted to South Coast Air Quality Management District, Contract No. R-C93074, April 27, 1993						
	ייייייייייייייייייייייייייייייייייייייי	March 1990, Volume 39, 140. 3, p. 303-304.						
	vvvvvvv	"Anonymous Delivery of Goods in Electronic Commerce (Continued)," IBM Technical Disclosure Bulletin, March 1996, Volume 39, No. 3, p.365-366						
	wwwww	"AT&T PersonaLink Services to Use Intelligent Network Assistants," AT&T, January 6, 1994						
	xxxxxxx	"Bank Card Originated Messages – Interchange Message Specifications – Content for Financial Transaction," International Standard, 1987						
	YYYYYYY	"Big Players Team Up To Provide Affordable Web Security Standards," Electronic Marketplace Report, April 18, 1995, Vol.9, No.5, Simba Information, Inc.						
	ZZZZZZZZ	"BookIt!," Web Ventures 1996, http://www.webventures.com						

Examiner Signature	/William Allen/ (10/22/2008)	Date Considered
EXAMINER: Initials cita		ot in conformance and not considered. Include copy of this form with

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		Filing Date April 13, 2004	Group Art Unit	

	Other I	Documents (include Author, Title, Date, and Place of Publication)
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Initial	Desig. ID	"Booklt!," Web Ventures, Datalex Communications USA, Inc., Web Ventures, 1999,
	AAAAAAA	http://www.webventures.com
	ввввввв	"Business Plan for Intermart", Intermart, July 13, 1994
	ccccccc	"Business Plan for Intermart," Intermart, August 18, 1994, p. 1-27.
	DDDDDDDI	"Cashing in on Cyberspace Tribune's Big Stake in Interactive," NewsInc, November 27, 1995, Volume 7, No. 23
	EEEEEEEE	"Central Motor Auction in Strategic Alliance with MITAC: 2," Extel Examiner, October 28, 1994
	FFFFFFFF	"Checkfree Corp and Internet Provider Go For Secure Access," <u>Information Access Company</u> , February 1, 1995, Gralla Publications, U.S.
	GGGGGGG	"Chicago Firm Offers Internet Brokerage Services," Simba Information, Inc., Media Daily, December 21, 1994, Section No. 342, Volume 2
	ннннннн	"Cig Search BOTS," January 27, 2002
	AIIIIIIII	"Competition in the Dutch Flower Markets," November 6, 2001
	AJJJJJJJJ	"CompuServe's Big Push Will Impact Online Commerce," <u>Electronic Information Report</u> , August 8, 1995, Vol.9, No.15, Simba Information, Inc.
	KKKKKKK	"Computer museum holds an internet auction," CMP 2000; 5/9/94
	LLLLLLLL	"Earth Day Ala Internet International Superstars Give Autographed Poster to Save the Earth-Silent Auction at San Francisco CA Artrock Gallery Will be Open to 26 Million Internet Users April 22 Through May 21," Business Wire, February 10, 1995
	MMMMMM	"Earth Day on the Internet—Rockers and Performances Give Autographed Posters to Save the Earth." Newswire, March 14, 1995, PR News Wire Assoc., Inc.
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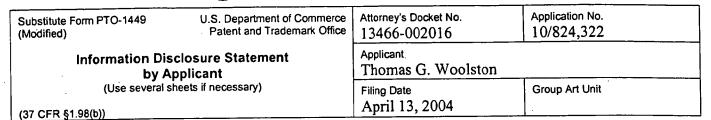
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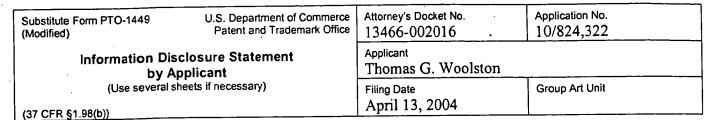
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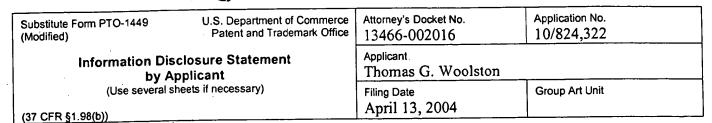
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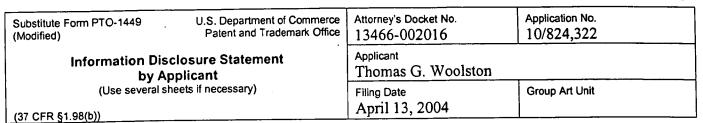
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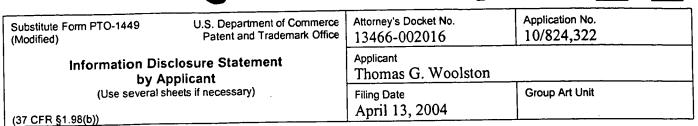
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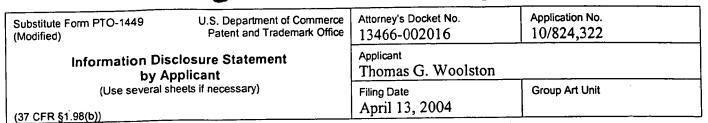
Attorney's Docket No.
13466-002016

Applicant
Thomas G. Woolston

Filling Date
April 13, 2004

	Other I	Documents (include Author, Title, Date, and Place of Publication)
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Examiner Signature /William Allen/ (10/22/2008)	Date Considered
EXAMINER: Initials citation considered. Draw line through citation next communication to applicant.	if not in conformance and not considered. Include copy of this form with Substitute Disclosure Form (PTO-1449)



	1	Documents (include Author, Title, Date, and Place of Publication)
Examiner Initial	Desig. ID	Document
	YYYYYYY	WARWICK, M., "Inside Broadcast (business television)", Communications International, October 1, 1994, Vol. 21, No. 10, ISSN:0305-2109
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Examiner Signature

/William Allen/ (10/22/2008)

Application No. Attorney's Docket No. U.S. Department of Commerce Substitute Form PTO-1449 10/824,322 Patent and Trademark Office 13466-002016 (Modified) Applicant **Information Disclosure Statement** Thomas G. Woolston by Applicant (Use several sheets if necessary) Group Art Unit Filing Date April 13, 2004

(37 CFR §1.98	3(b))	April 13, 2004
		Documents (include Author, Title, Date, and Place of Publication)
Examiner Initial	Desig. ID	Document
	TTTTTTTT	"Order And Opinion Denying the Plaintiff's Motion to Reconsider," dated January 13, 2003
	บบบบบบบบ	"Order And Opinion regarding eBay's Motion To Amend," dated October 21, 2002
	VVVVVV	CROCKER, S.D., "Post-Markman Rebuttal Supplementation of Stephen D. Crocker," filed by eBay on December 23, 2002
	wwwww	"eBay Inc.'s Memorandum In Support Of eBay's Post-Markman Motion For Summary Judgment of Noninfringement And Unenforceability Of U.S. Patent No. 6,202,051," (Filed Under Seal) by
	XXXXXXX	"eBay Inc.'s Reply Memorandum In Support Of eBay's Post-Markman Motion For Summary Judgment Of Noninfringement And Unenforceability Of U.S. Patent No. 6,202,051," (Filed
·	YYYYYYY	KELLER, A.M., "Supplement Expert Report Of Dr. Arthur M. Keller addressing invalidity in View of the Court's Markman and Summary Judgment Rulings, the Subsequent Opinions of Drs. Weaver & Palmer, and Noninfringement in the View of the court's Markman Ruling," filed by a Pay on December 23, 2002
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	EEEEEEE	WELLMAN, M. P., "Expert Report of Michael P. Wellman, PH.D. Concerning the Invalidity of
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	пннннны	June 28, 2002
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FXAMINER: Initials C	tation considered. Draw line through citation if no	of in conformance and not considered. Include copy of this form with

Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 13466-002016	Application No. 10/824,322	
	closure Statement	Applicant Thomas G. Woolstor	n	
(Use several sh	eets if necessary)	Filing Date April 13, 2004	Group Art Unit	

	Other I	Documents (include Author, Title, Date, and Place of Publication)
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	KKKKKKKK	
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	MMMMMM	MALY, K. "Expert Report of Kurt Maly," filed by eBay and Half.com on June 10, 2002
	מממממממ	Hall coll and Returnibly on September 20, 2002
	0000000	Invalidity, filled by Mercexchange on June 28, 2002
	PPPPPPPPPP	SHAMOS, M.I., "Expert Report of Michael Ian Shamos Regarding Materiality of Prior Art References Not Disclosed by Patentee," filed by eBay on September 23, 2002
 ;	QQQQQQQ	CHANGE M. I. "Expert Deport of Michael Ian Shames" filed by eRay on June 10, 2002

Examiner Signature / William Allen/ (10/22/2008)

Date Considered